

#2

Case No. C14-06-0134

Rezoning Request by PSI (Ralph Reed)

Agent: Shaw Hamilton Consultants

Address/Legal Approximately 56 acres located at North FM 629 at Ridgeline Boulevard

Proposed Zoning Change From CS, GR-CO, CO, LO-CO, CO
TO GR-MU, MU

In the event that the above zoning change request is granted by the Austin City Zoning & Platting Commission, the residents of Shenandoah Section 5 Subdivision request the following concessions to any proposed development in the 56 acres adjacent to Shenandoah Section 5

- 1 100 feet of green vegetative buffer between the easternmost boundary of the 50 foot utility easement and the westernmost boundary of new development. Vegetative buffer is to be maintained by the developer
- 2 An 8 foot high stone fence to be built on the easternmost boundary of Shenandoah (exact location to be determined by homeowners before construction begins) Fence is to be maintained by developer.
3. No windows of any building shall face toward (westerly) Shenandoah Section 5 Subdivision
- 4 No lighting of any kind shall face directly toward Shenandoah. Street and security light to have appropriate shading/directional covers.
- 5 No new roads to be built into the Shenandoah Subdivision
- 6 Drainage, flooding and water overflow concerns will be addressed to ensure no additional problems are created (Existing 50 foot utility easement which runs adjacent to easternmost boundary is a water run-off/overflow area and floods with heavy rainfall)
- 7 Current height restrictions listed in Ordinance No 970710-A are to remain in place – Part 2, Articles # 4 and 5 – overall maximum building height of 30 to 35 feet
8. Current property use restrictions listed in Ordinance No 970710-A are to remain in place – Part 2, Article #1 – no outdoor sports and recreation, outdoor entertainment
Part 2, Article #2 – no automotive repair or washing (of any type), restaurants, theater, indoor entertainment, club or lodge are prohibited on the Property within an area 300 feet from the Shenandoah Section 5 easternmost boundary
9. A possible park for the Shenandoah homeowners.

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website.

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0134

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

July 18, 2006 Zoning and Platting Commission



Sharee Walter

Your Name (please print)

3404 Valley Pike Rd, Cedar Park, TX 78613

Your address(es) affected by this application

Sharee h Walter

Signature

8-1-06

Date

Comments: Due to the environmental impact of increased traffic, noise and air pollution due to continued construction, increase water run-off and overflow, I object to the zoning change of this above referenced property - please see attached letter.

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

Rezoning Request by : PSI (Ralph Reed)
Agent. Shaw Hamilton Consultants

Address/Legal: Approximately 56 acres located at North FM 629 at Ridgeline Boulevard

Proposed Zoning Change From CS, GR-CO, CO, LO-CO, CO
TO: GR-MU, MU

We, representatives of the Shenandoah Section 5 Subdivision, object to the rezoning of the above mentioned 56 acre property on the following basis.

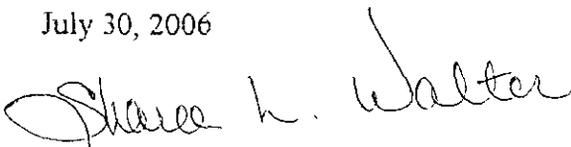
- 1 Environmental Impact – Shenandoah Section 5 Subdivision has been in existence for approximately 30 years and in that time period has suffered irreparable damage to its ecology, environment and very nature. The perimeters of its area have been totally encompassed by commercial, light industrial, and multi-family housing developments. The only remaining untouched and natural area adjacent to Shenandoah Section 5 is a narrow strip of land directly east of the easternmost property line of Shenandoah (56 acres referenced above). This continual development has sorely stretched Shenandoah's natural state to its limits. Wildlife has been and is being threatened, countless trees and natural terrain has been razed to make way for concrete surfaces and water drainage/overflow has created flooding problems and concerns for the current residents of Shenandoah Section 5. The air and noise pollution created by the continual construction is immeasurable. Very little quiet time exists in our formerly peaceful suburban neighborhood, large equipment continues to generate noise and dust at all hours of the night.
- 2 Traffic – According to representatives of Lakeline Mall, an estimated 9 to 10 visitors patronize the mall on a yearly basis, most of them traveling to the mall by car. Statistics released by CAMPO (Capital Metro Planning Organization) in 2005 show daily traffic counts at the following volume:

| Street | Limits | Count |
|--------|-------------------------------|---------|
| US 183 | Cypress Creek Rd -RM620 | 56,000 |
| US 183 | RM620-Anderson Mill Road | 57,500 |
| RM620 | Lake Creek Parkway-US 183 (N) | 17,900 |
| RM620 | US183 (N)-Lake Creek Parkway | 25,000. |

The increased traffic due to development has jeopardized the safety of our children and of the Shenandoah commuters. More and more vehicles continue to use our subdivision roads as a path to circumvent the increasing construction in our area. Continual development has significantly increased the amount of vehicles and traffic in our immediate and general area. Ingress and egress to our homes grows more difficult day by day.

We respectfully submit these objections to the proposed zoning change and ask that they be given serious consideration before any zoning changes are made. In the event that the Commission decides to grant a change in the zoning status, we respectfully request that the land be zoned no greater than "MF-3" (Medium Density). "MF-3" Multifamily was the former zoning level of the above referenced 56 acres.

July 30, 2006



Sirwaitis, Sherri

From: Walter, Sharee [REDACTED]**Sent:** Wednesday, July 12, 2006 2:00 PM**To:** Sirwaitis, Sherri, , Mike; [REDACTED] Cole, Sheryl, Wynn, Will, Dunkerley, Betty; McCracken, Brewster; [REDACTED], Lee; Haines, Dina; Arellano, Richard; Aguilera, Gloria; Bailey, Rich; Curtis, Matt, Levinski, Robert; Corpus, Grace; Futrell, Toby; Mormon, Andy; May, Rachel; Robert.A.Garza@ci.austin.tx.us; Moore, Andrew, Robbins, Beverly; Thompson, Kenny**Cc:** [REDACTED]

Sherri:

I am a resident who received notice of the proposed zoning change for the above referenced case number (approximately 46 acres of land between Lakeline Mall and Valley Pike Road in the Shenandoah subdivision off RR 620 N). Not only do I object to the rezoning, I object to the development of that particular piece of property I have lived on Valley Pike Road for only 4 years, but have talked to several residents who have been there 20+ years. Everyone I have talked to says they were assured by developers, real estate agents and city representatives that the area would never be developed and would remain a greenbelt. I have no doubt that the area residents will be unable to stop the development, but strongly feel we should have input as to buffer zones, lighting, allowable types of development, etc.

We have contacted the consultant, Hamilton Shaw, but he has been unable to meet with us as yet. I am requesting a delay on the rezoning hearing until our neighborhood has a chance to meet with Mr. Hamilton.

Have a blessed day!

Sharee L. Walter

Archstone-Smith

11044 Research Blvd, A-300

Austin, TX 78759

Ph 512-338-7200

Fax 512-346-8040

7/13/2006

Sirwaitis, Sherri

From: PJRead [REDACTED]
Sent: Sunday, July 16, 2006 5:06 PM
To: Martinez, Mike [Council Member]; Sirwaitis, Sherri
Cc: PJRead
Subject: case number C14-06-0134

Please note I am against the re zoning and I want to sign the petition against it
Peggy Read

7/18/2006

Sirwaitis, Sherri

From: [REDACTED]
Sent: Tuesday, July 11, 2006 8:34 AM
To: Sirwaitis, Sherri, Martinez, Mike [Council Member]; [REDACTED]
[REDACTED] Cracken, Brewster, Kim, Jennifer,
Leffingwell, Lee; Haines, Dina; Arellano, Richard; Aguilera, Gloria; Bailey, Rich; Curtis, Matt;
Levinski, Robert, Corpus, Grace; Futrell, Toby, Haines, Dina; [REDACTED] May,
Rachel, [REDACTED] Moore, Andrew; Robbins, Beverly, Thompson, Kenny;
[REDACTED]
Subject: CASE C14-06-0134

Mary Jane Ricks- Rodriguez
Federico Rodriguez

3400 Valley Pike
Cedar Park, Tx 78613

I am objecting to the zoning changes and overdevelopment of the land directly west of Valley Pike Rd.

When the Mall was built this was to remain a greenbelt

Sirwaitis, Sherri

From: Eric Arasteh [REDACTED]
Sent: Monday, July 10, 2006 9:51 AM
To: Sirwaitis, Sherri
Subject: case # c14-06-0134

I'm against over-development of the land directly west of Vally Pike Road.

Sirwaitis, Sherri

From: Wilkinson, Steve on behalf of Devweb
Sent: Monday, July 10, 2006 7 05 AM
To: Sirwaitis, Sherri
Subject: FW: devweb - CASE NUMBER C14-06-0134

Sherri:

This came through the Development Process Web site.

Steve Wilkinson, AICP
Watershed Protection & Development Review Department City of Austin, TX.
512-974-2657
<http://www.ci.austin.tx.us/development/>

-----Original Message-----

From: [REDACTED]
Sent: Sunday, July 09, 2006 3:18 PM
To: Devweb
Subject: devweb - CASE NUMBER: C14-06-0134

Date/Time Submitted: Sunday, 7/9/06, 1518 hours
From: Jeff Myers
E-mail address: [REDACTED]
Subject: CASE NUMBER: C14-06-0134
Comments:

My family and neighbors are greatly concerned with our quality of life and the changing of our isolation from big business invading our back yards.

I live against the area that has been rezoned to allow construction to occur. I was wondering where I can find information on the plans of the development proposals, what steps are available to express my concerns along with my disagreement with this development.

Sirwaitis, Sherri

From: Lynn Mickan [REDACTED]
Sent: Thursday, August 10, 2006 12:10 PM
To: Sirwaitis, Sherri
Cc: Martinez, Mike [Council Member]; Cole, Sheryl; Wynn, Will, Dunkerley, Betty; McCracken, Brewster, Kim, Jennifer, Leffingwell, Lee; Haines, Dina; Arellano, Richard, Aguilera, Gloria; Bailey, Rich; Curtis, Matt; Levinski, Robert; Corpus, Grace; Futrell, Toby, Haines, Dina; Mormon, Andy; May, Rachel, [REDACTED] Moore, Andrew; Robbins, Beverly; Thompson, Kenny
Subject: C-14-06-0134

Good Afternoon Sherri and the Austin City Council,

I am contacting you regarding the case number mentioned above. My husband and I recently purchased our first home in the Shenandoah neighborhood that is backed up to the land that is up for rezoning. We are not too familiar with how the process of rezoning of land works however, we would like to express our concern for the potential zoning changes that will directly impact the privacy, charm and possibly, an adverse affect of the value of the homes in our neighborhood. We politely request, that the owner and builder of the currently undeveloped land, the Austin City Council and the case manager, think about what they would do if this situation was reversed and their home and investment was going to be directly affected by the new development. With that being said, we, Aaron & Lynn Mickan, object to the rezoning of the land in this case, unless the following is taken into consideration & put into action with a new rezoning plan:

- * A 100 foot buffer of the existing greenbelt remain between the edge of the property lines of ALL the homes that are on Valley Pike Road including the Shenandoah Baptist Church property and the new development that will eventually be built. The reason for this request is to protect the privacy of the homeowner's and as well preserving some of the vegetation of the greenbelt that currently exists
- * NO new roads will be built to connect the Shenandoah neighborhood with the new development, which could potentially affect all homes on Valley Pike and Jackson Drive and any of the streets that cross these two streets. This will help prevent any further 'cut through' traffic from entering our neighborhood in which, will preserve our neighborhood and protect our children from potentially being hit by a vehicle that uses our neighborhood to get from Lakeline Blvd to FM 620. This traffic does not appear to have respect for the speed limit of a neighborhood.
- * A 8 foot fence be installed to ensure additional privacy between the new development and all of the properties that are along Valley Pike, including the Shenandoah Baptist Church property. Preferably a fence of stone or brick to ensure the fence will remain up and in good condition for many years to come

I sincerely thank you for your time in reading this email. Please let me know if there is anything else that I can do, in addition to writing this email and attending the rezoning hearing, to help protect & preserve the privacy and charm of the Shenandoah neighborhood.

Have a wonderful day!

- Aaron and Lynn Mickan
1500 Jackson Drive
Cedar Park, Texas 78613
512-659-1955

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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Case Number: C14-06-0134

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

July 18, 2006 Zoning and Platting Commission

KATHLEEN T. BLACKBURN

Your Name (please print)

1619 PLATEAU RIDGE CEDAR PARK TX 78613

Your address(es) affected by this application

Kathleen T. Blackburn 8-3-06

Signature

Date

Comments See attached list

I am in favor
 Object

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

Case No. C14-06-0134

Rezoning Request by PSI (Ralph Reed)
Agent Shaw Hamilton Consultants

Address/Legal Approximately 56 acres located at North FM 629 at Ridgeline Boulevard

Proposed Zoning Change. From CS, GR-CO, CO, LO-CO, CO
TO. GR-MU, MU

We, representatives of the Shenandoah Section 5 Subdivision, object to the rezoning of the above mentioned 56 acre property on the following basis:

1. Environmental Impact -- Shenandoah Section 5 Subdivision has been in existence for approximately 30 years and in that time period has suffered irreparable damage to its ecology, environment and very nature. The perimeters of its area have been totally encompassed by commercial, light industrial, and multi-family housing developments. The only remaining untouched and natural area adjacent to Shenandoah Section 5 is a narrow strip of land directly east of the easternmost property line of Shenandoah (56 acres referenced above). This continual development has sorely stretched Shenandoah's natural state to its limits. Wildlife has been and is being threatened, countless trees and natural terrain has been razed to make way for concrete surfaces and water drainage/overflow has created flooding problems and concerns for the current residents of Shenandoah Section 5. The air and noise pollution created by the continual construction is immeasurable. Very little quiet time exists in our formerly peaceful suburban neighborhood; large equipment continues to generate noise and dust at all hours of the night.
2. Traffic -- According to representatives of Lakeline Mall, an estimated 9 to 10 visitors patronize the mall on a yearly basis, most of them traveling to the mall by car. Statistics released by CAMPO (Capital Metro Planning Organization) in 2005 show daily traffic counts at the following volume:

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The increased traffic due to development has jeopardized the safety of our children and of the Shenandoah commuters. More and more vehicles continue to use our subdivision roads as a path to circumvent the increasing construction in our area. Continual development has significantly increased the amount of vehicles and traffic in our immediate and general area. Ingress and egress to our homes grows more difficult day by day.

We respectfully submit these objections to the proposed zoning change and ask that they be given serious consideration before any zoning changes are made. In the event that the Commission decides to grant a change in the zoning status, we respectfully request that the land be zoned no greater than "MF-3" (Medium Density). "MF-3" Multifamily was the former zoning level of the above referenced 56 acres.

July 30, 2006

Case No C14-06-0134

Rezoning Request by : PSI (Ralph Reed)
Agent Shaw Hamilton Consultants

Address/Legal Approximately 56 acres located at North FM 629 at Ridgeline Boulevard

Proposed Zoning Change From CS, GR-CO, CO, LO-CO, CO
TO GR-MU, MU

| Initial Request by Shenandoah Neighborhood | Developers Comments | Agreed to Resolution |
|--|---|--|
| Maintain 100' vegetative buffer between the easternmost boundary of Shenandoah Subdivision Section 5 and the western most boundary of the subject property | Agree to maintain a 50' vegetative buffer between the easternmost boundary of Shenandoah Subdivision Section 5 and the western most boundary of the subject property | Developer will maintain a 50' vegetative buffer between the easternmost boundary of Shenandoah Subdivision Section 5 and the western most boundary of the subject property |
| Erect an 8' high stone fence along the entire easternmost boundary of the Shenandoah Subdivision | Agree to construct a fence, not to exceed 8' in height. The fence will be constructed of materials complimentary to the architecture of the 56 acre site with the development of the site | Developer will construct a fence, not to exceed 8' in height. The fence will be constructed of materials complimentary to the architecture of the 56 acre site. The construction of the fence will coincide with the development of the site |
| No windows of any building shall face toward (westerly) Shenandoah Section 5 Subdivision | Owner cannot agree to this provision | Unresolved |
| No lighting of any kind shall face directly towards Shenandoah Street and security lighting to have appropriate shading/directional covers | Agree to lighting requests | No lighting of any kind shall face directly towards Shenandoah Street and security lighting to have appropriate shading/directional covers. |
| No new roads shall be built into Shenandoah Subdivision | We agree | No new roads shall be built into Shenandoah Subdivision |

Case No C14-06-0134

Rezoning Request by PSI (Ralph Reed)
Agent Shaw Hamilton Consultants

Address/Legal Approximately 56 acres located at North FM 629 at Ridgeline Boulevard

Proposed Zoning Change From CS, GR-CO, CO, LO-CO, CO
TO GR-MU, MU

| | | |
|--|---|---|
| Drainage, flooding and water overflow concerns will be addressed to ensure no additional problems are created | We agree | Drainage, flooding and water overflow concerns will be addressed to ensure no additional problems are created |
| Current height restrictions listed in Ordinance No 970710-A are to remain in place - Part 2, Articles #4 and #5 - overall maximum building height of 30 to 35 feet | We agree to the first part of the ordinance, Part 2 - #4 that no structure shall be built to a height greater than 30' within 200' of the property line We are requesting that Part 2 - #5 be modified to allow structures to be built to a height of 45' beyond the 200' line established above | It is agreed that Part 2 - #4 shall remain, "that no structure shall be built to a height greater than 30' within 200' of the property line " It is also mutually agreed that Part 2 - #5 be modified to allow structures to be built to a height of 45' beyond the 200' line established above |
| Current property use restrictions listed in Ordinance No 970710-A are to remain in place, Part 2 - Article #1, Part 2 - Article #2 | We Agree | Current property use restrictions listed in Ordinance No. 970710-A are to remain in place, Part 2 - Article #1, Part 2 - Article #2. |
| Construction of a 2 acre 'community-type' park in the development area, to be maintained by developer/owner | We cannot agree to build a park in the development area, however, we would be willing to pursue an agreement with the City to utilize the parkland dedication fees from this project to improve the parkland owned by the City to the north of this property | Developer will pursue an agreement with the City to utilize the parkland dedication fees from this project to improve the parkland owned by the City to the north of this property |

Sirwaitis, Sherri

From: Sharee Walter [REDACTED]
Sent: Wednesday, August 30, 2006 2:17 PM
To: Sirwaitis, Sherri
Cc: Sileide Andersen; Sileide Andersen
Subject: Case #C-14-06-0134 - Lakeline Commons

Hello Sherri:

I wanted to update you on the status of our negotiations with the developer of Lakeline Commons. At this time, our negotiations are pretty much at a standstill. Mr. Hamilton volunteered to do a "balloon test" to determine how invasive the 45' building height would be to our privacy. Unfortunately, he was unable to complete the test and has subsequently been hospitalized. His associate tried to conduct another "balloon test" but was also unable to complete the test. The associate has also told us that a written agreement will not be available before the September 5 P & Z meeting.

Consequently, we are pretty much at the same place we were at the August P & Z meeting - still asking that no windows face in a westerly direction if the maximum building height is changed to 45'. After closer examination of the "50' vegetative buffer", we have discovered there is actually very little vegetation left in the "buffer" due to the fact that a large portion of this area is a right-of-way for PEC. Large trucks drive through this area behind the existing homes to work on power lines. This has created a crude "roadway" through the 50' designated to be a vegetative buffer.

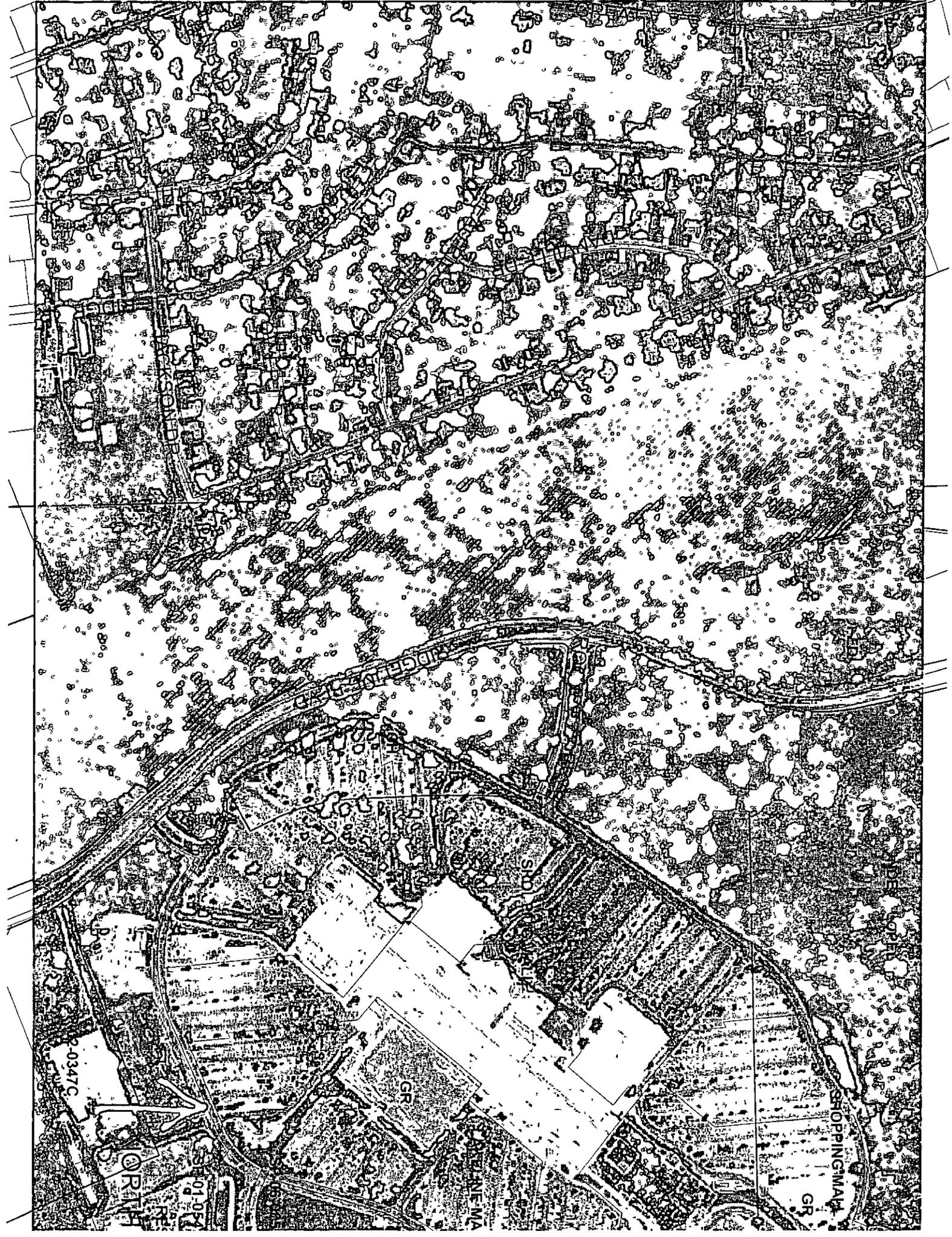
I would assume the developer will send a representative to the September 5 meeting in the event that Mr. Hamilton is unable to attend, but our position is that we are still in a "postponement status "

Thank you.

Sharee Walter

Have a blessed day!
Sharee Walter
3404 Valley Pike Road
Cedar Park, TX 78613
512-336-0705

8/30/2006



P-0347C

R-01-054

GR

SR-0

SHOPPING MALL
GR



| | | |
|------------------|---|---|
| <p>1" = 600'</p> | <p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: S SIRWAITIS</p> | <p>ZONING</p> <p>CITY GRID REFERENCE NUMBER</p> |
| | <p>CASE #: C14-06-0134</p> <p>ADDRESS: N FM 620 RD AND N RIDGELINE</p> <p>SUBJECT AREA (acres): 56.040</p> | <p>DATE: 06-06</p> <p>INTLS: SM</p> |
| | <p>TRACT 1</p> <p>TRACT 2</p> | <p>F39</p> |
| | <p>UNDEVELOPED</p> <p>WAREHOUSE</p> <p>REST</p> <p>SHOPPING MALL</p> <p>LAKELINE MALL</p> | <p>GR</p> <p>CH</p> <p>SF-6</p> <p>MF-3</p> <p>CS</p> <p>SF-2</p> |

Staff's Response to Neighborhood/Applicant Discussions on Conditions for this Case

Case No. C14-06-0134

Rezoning Request by : PSI (Ralph Reed)

Agent: Shaw Hamilton Consultants

Address/Legal: Approximately 56 acres located at North FM 629 at Ridgeline Boulevard

Proposed Zoning Change: From CS, GR-CO, CO, LO-CO, CO

TO: GR-MU, MU

In the event that the above zoning change request is granted by the Austin City Zoning & Platting Commission, the residents of Shenandoah Subdivision (representing approximately 400 households) request the following concessions to any proposed development in the 56 acres adjacent to Shenandoah Subdivision:

1. 50 feet of green vegetative buffer between the easternmost boundary of the 50 foot utility easement of Shenandoah Section 5 and the westernmost boundary of new development. Vegetative buffer is to be maintained by the developer and to be left in its natural state. [This can be placed in a conditional overlay in the zoning ordinance for this case.]
2. An 8 foot high stone fence (unless 8' height not approved by all affected homeowners) to be built on the easternmost boundary of Shenandoah on the property line of existing homeowners. Fence is to be maintained by developer and will coincide with the development of the site. [The fence requirement can be in a public restrictive covenant, however the material (stone) would have to be placed in a private restrictive covenant between the neighborhood and the applicant.]
3. No windows of any building shall face toward (westerly) Shenandoah Section 5 Subdivision except on ground floor of any building in new development. [This provision would have to be in a private restrictive covenant between the neighborhood and the applicant.]
4. No lighting of any kind shall face directly toward Shenandoah Subdivision. Street and security lights to have appropriate shading/directional covers. [The City Compatibility Standards (LDC-Sec. 25-2-1067) already require that exterior lighting be hooded or shielded so that the light source is not directly visible from adjacent properties. Any additional requirements by the neighborhood would have to be placed in a private restrictive covenant with the applicant.]
5. No new roads to be built into the Shenandoah Subdivision. [This is a City subdivision requirement (connectivity) and can not be part of the zoning case. The City could prohibit access to Jackson Drive through a conditional overlay.]
6. Drainage, flooding and water overflow concerns will be addressed to ensure no additional problems are created. (Existing 50 foot utility easement which runs adjacent to easternmost boundary is a water run-off/overflow area and floods with heavy rainfall) [Drainage for commercial properties are reviewed by the City during the Site Plan process of development. Any additional requirements would have to be placed in a private restrictive covenant between the applicant and neighborhood.]

7. **Current height restrictions listed in Ordinance No. 970710-A can be changed to a maximum building height of 45' provided no windows above the ground floor face in a westerly direction toward Shenandoah Subdivision - Part 2, Articles # 4 and 5.**
[The height limit can be placed in a conditional overlay in the zoning ordinance for this case. However, the City cannot control the location of windows in a building in a zoning case. This would have to be a private agreement between the applicant and the neighborhood.]
8. Current property use restrictions listed in Ordinance No. 970710-A are to remain in place –
Part 2, Article #1 – no outdoor sports and recreation, outdoor entertainment.
Part 2, Article #2 – no automotive repair or washing (of any type), restaurants, theater, indoor entertainment, club or lodge are prohibited on the Property within an area 300 feet from the Shenandoah Section 5 easternmost boundary.
[These items can be placed in a conditional overlay in the zoning ordinance for this case.]
9. Developer will pursue an agreement with City of Austin to utilize parkland dedication fees from this project to improve the parkland owned by the City to the north of this property.
[The city cannot require this at the time of zoning. Parkland dedication fees are assessed during the subdivision/site plan stage of development and reviewed by the City of Austin Parks and Recreation Department for application by area in the City.]
10. All other restrictions listed in Ordinance No 970710-A are to remain in place. These statements are to become a permanent ordinance and a part of the “zoning envelope” attached to the development of property.
[I do not know what the ‘zoning envelope’ is, but any other requirements from the previous zoning ordinance for this property can be placed in the new ordinance as conditional overlays for this case.]

Previous Cases

MF-3

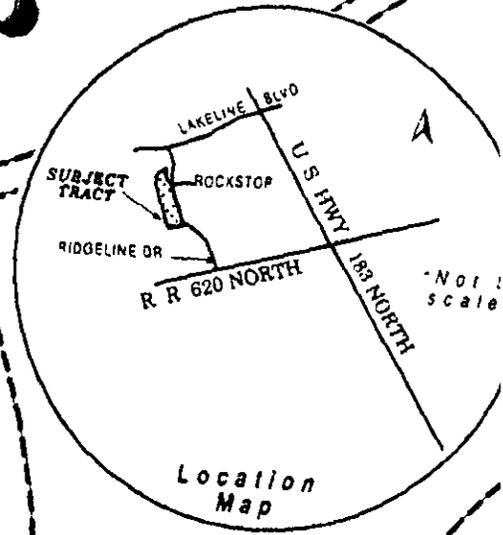
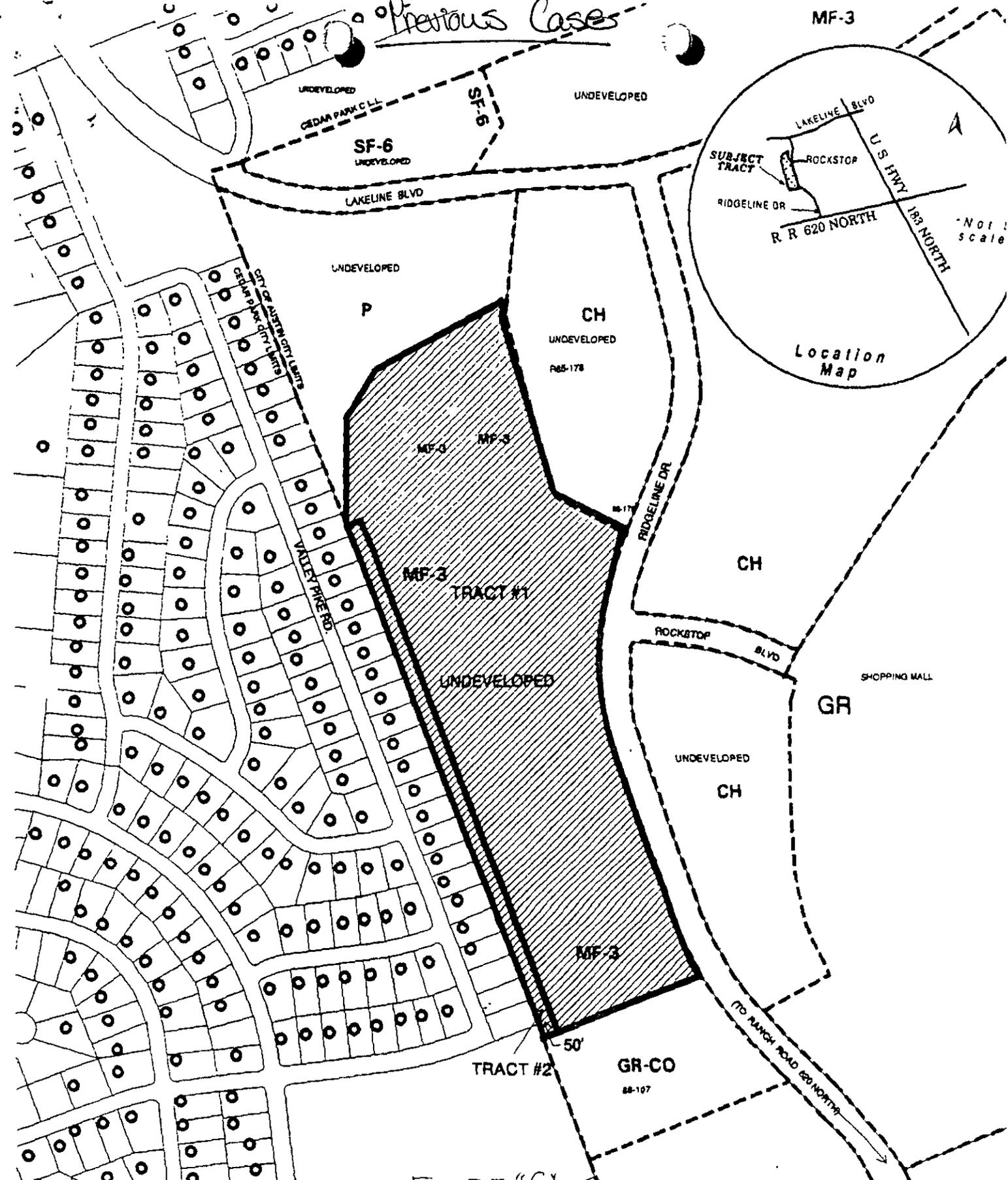


EXHIBIT "C"

| | | | |
|---------------|--|--|--|
| 1" = 400' | SUBJECT TRACT | CASE #: C14-95-0149 | CITY GRID REFERENCE NUMBER F 39 |
| | PENDING CASE | SUBJECT AREA (acres): 38.990 | |
| | ZONING BOUNDARY | ADDRESS: RIDGELINE DR. & R. R. 620 N. | |
| | CASE MGR: J. L. ARRIAGA CYCLE: 95-10 INTLS: JSR | | |

ORDINANCE NO. 970710-A

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE CITY CODE AS FOLLOWS:

TRACT 1: 36.99 ACRE TRACT OF LAND OUT OF THE RACHEL SAUL SURVEY, ABSTRACT NO. 551, WILLIAMSON COUNTY, TEXAS, FROM "MF-3" MULTIFAMILY RESIDENCE (MEDIUM DENSITY) DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, AND

TRACT 2: 2.579 ACRE TRACT OF LAND OUT OF THE RACHEL SAUL SURVEY, ABSTRACT NO. 551, WILLIAMSON COUNTY, TEXAS, FROM "MF-3" MULTIFAMILY RESIDENCE (MEDIUM DENSITY) DISTRICT TO "LO-CO" LIMITED OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

LOCALLY KNOWN AS THE PROPERTY LOCATED ALONG RIDGELINE DRIVE, IN THE CITY OF AUSTIN, WILLIAMSON COUNTY, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The Zoning Map established by Chapter 13-2-22 of the City Code is amended to change the respective base zoning districts and establish a Conditional Overlay combining district on the property (the "Property") described in File C14-95-0149, as follows:

Tract 1: From "MF-3" Multifamily Residence (Medium Density) district to "GR-CO" Community Commercial district-Conditional Overlay combining district.

36.99 acre tract of land out of the Rachel Saul Survey, Abstract No. 551, Williamson County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

Tract 2: From "MF-3" Multifamily Residence (Medium Density) district to "LO-CO" Limited Office district-Conditional Overlay combining district.

2.579 acre tract of land out of the Rachel Saul Survey, Abstract No. 551, Williamson County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance,

locally known as the property located along Ridgeline Drive, in the City of Austin, Williamson County, Texas, and as more particularly identified in the map attached as Exhibit "C".

PART 2. The Property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

Tracts 1 and 2:

1. The following uses of the Property are prohibited: Outdoor Sports and Recreation, and Outdoor Entertainment.

2. The following uses are prohibited on the Property within an area 300 feet from the Shenendoah Section 5 Subdivision easternmost boundary:

- a) Automotive Repair Services,
- b) Automotive Washing (Of Any Type),
- c) Restaurants (Drive-In, Fast Food, General, Limited),
- d) Theater,
- e) Indoor Entertainment,
- f) Club or Lodge.

3. No building of any kind shall be constructed within an area 100 feet from the easternmost property line of Shenendoah Section 5 Subdivision.

4. No structure of any kind shall be built to a height greater than 30 feet above ground level within the area beginning 100 feet from the easternmost property line of Shenendoah Section 5 Subdivision to a depth of 200 feet westerly from the 100 foot point.

5. Beyond the above 200 foot depth, no structure of any kind shall be build to a height greater than 35 feet above ground level.

Tract 2:

A privacy fence shall be constructed and maintained along the westernmost boundary line of Tract 2 adjacent to the Shenendoah Section 5 Subdivision.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the Land Development Code.

PART 3. The Council waives the requirements of Sections 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on July 21, 1997.

PASSED AND APPROVED

July 10

, 1997.

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§
§

Kirk Watson

Kirk Watson
Mayor

APPROVED:

Andrew Martin

Andrew Martin
City Attorney

ATTEST:

James E. Aldridge

James E. Aldridge
City Clerk

RACHEL SAUL SURVEY
36.99 ACRES, TRACT 26
PAGE 1 OF 2

DESCRIPTION

DESCRIPTION OF 36.99 ACRES OF LAND LOCATED IN THE RACHEL SAUL SURVEY, ABSTRACT NO. 551, WILLIAMSON COUNTY, TEXAS, SAME BEING A PORTION OF A CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO B&W VACKAR PARTNERSHIP AS TRACTS "A", "B" and "C", IN VOLUME 1164, PAGE 919, SAID 36.99 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a concrete monument found in the west line of said B&W Vackar Partnership tract from which monument an iron rod found at the southwest corner of tract "D" described in said B&W Vackar Partnership deed bears S20°34'55"E, 1,003.25 feet;

THENCE, along said west line N20°34'55"W, passing an iron rod found (0.18' right of said bearing) at 1,147.86 feet for a total distance of 2,185.05 feet to an iron rod set;

THENCE, with the south line of a tract of land described in a deed to the City of Austin as recorded in Volume 1624, Page 217 of the Deed Records of Williamson County, Texas, and through the interior of said B&W Vackar Partnership tracts "A" and "B" the following three (3) courses;

- 1) N1°23'17"E, 344.77 feet to an iron rod set;
- 2) N32°56'22"E, 179.20 feet to an iron rod set;
- 3) N63°25'41"E, 470.78 feet to an iron rod set;

THENCE, continuing through the interior of said B&W Vackar Partnership tracts "A" and "B" the following four (4) courses:

- 1) S6°20'32"W, 60.14 feet to an iron rod set;
- 2) S15°19'28"E, 583.01 feet to an iron rod set;
- 3) S62°23'17"E, 267.12 feet to an iron rod set;
- 4) S62°23'17"E, 267.12 feet to an iron rod set in the west line of Ridgeline Boulevard;

THENCE, with the west line of said Ridgeline Boulevard the following nine (9) courses:

- 1) S22°30'W, 22.30 feet to a concrete monument found;
- 2) Along a curve to the right, having a central angle of 41°30', a radius of 1,015.66 feet, a chord bearing S1°44'59"W, 719.68 feet, for an arc distance of 735.66 feet to an iron rod found;
- 3) S19°00'01"E, 500.53 feet to an iron rod found;

Exhibit A

SENT BY:

6-2-97 ; 17:22 ;

Munsch-Wardt-

5124992709;#10/12

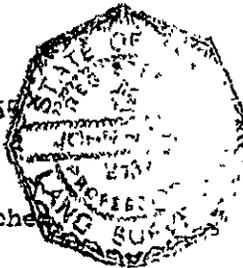
RACHEL SAUL SURVEY
36.99 ACRES, TRACT 26
PAGE 2 OF 2

- 4) Along a curve to the left having a central angle of $24^{\circ}00'$, a radius of 1,111.80 feet, a chord bearing $S31^{\circ}00'01"E$, 462.31 feet, for an arc distance of 465.71 feet to an iron rod found;
- 5) $S43^{\circ}00'02"E$, 14.26 feet to an iron rod set;
- 6) Along a curve to the left having a central angle of $8^{\circ}21'17"$, a radius of 301.50 feet, a chord bearing $S38^{\circ}17'41"E$, 43.93 feet for an arc distance of 43.96 feet to an iron rod set;
- 7) $S41^{\circ}20'37"E$, 95.64 feet to an iron rod set;
- 8) Along a curve to the left having a central angle of $0^{\circ}15'24"$, a radius of 959.83 feet, a chord bearing $S40^{\circ}20'59"E$, 4.30 feet, for an arc distance of 4.30 feet to an iron rod set;
- 9) $S45^{\circ}36'25"E$, 46.14 feet to an iron rod set;

THENCE, through the interior of said B&W Vackar Partnership, tract "C", $S69^{\circ}23'58"W$, 693.85 feet to THE POINT OF BEGINNING and containing 36.99 acres of land.

The bearing basis for this survey is the east line of Lot 4, Lakeline, Section One, a subdivision of record in Cabinet "H", Slides 173-175, Plat Records of Williamson County, Texas.

Surveyed by
URBAN DESIGN GROUP
P.O. Box 26912
Austin, Texas 78757
(512) 346-2353



John Noell
John Noell, R.P.L.S. #2433
Date: 6-6-95

Sketch or map attached

LAKELINE\RAHEL SA, DW

970710-A

DESCRIPTION

DESCRIPTION OF 2.579 ACRES OF LAND LOCATED IN THE RACHEL SAUL SURVEY, ABSTRACT NO. 551, WILLIAMSON COUNTY, TEXAS, SAME BEING A PORTION OF A CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO B&W VACKAR PARTNERSHIP AS TRACTS "B" and "C", IN VOLUME 1164, PAGE 919, SAID 2.579 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a concrete monument found in the west line of said B&W Vackar Partnership tract from which monument an iron rod found at the southwest corner of tract "D" described in said B&W Vackar Partnership deed bears S20°34'55"E, 1,003.25 feet;

THENCE, along said west line N20°34'55"W, passing an iron rod found (0.18' right of said bearing) at 1,147.86 feet for a total distance of 2,185.05 feet to an iron rod set;

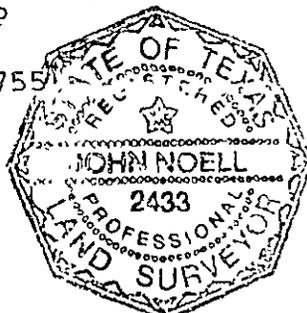
THENCE, N1°23'17"E, 133.65 feet with the south line of a tract of land described in a deed to the City of Austin as recorded in Volume 1624, Page 217 of the Deed Records of Williamson County, Texas, and through the interior of said B&W Vackar Partnership tract "B" to a point;

THENCE, through the interior of said B&W Vackar Partnership, tracts "B" and "C", S20°34'55"E, 2,308.97 feet to a point on the southern line of Tract 26;

THENCE, continuing through the interior of said B&W Vackar Partnership, tract "C", S69°23'58"W, 50.00 feet to THE POINT OF BEGINNING and containing 2.579 acres of land.

The bearing basis for this survey is the east line of Lot 4, Lakeline, Section One, a subdivision of record in Cabinet "H", Slides 173-175, Plat Records of Williamson County, Texas.

Field Notes Prepared by
URBAN DESIGN GROUP
P.O. Box 26912
Austin, Texas 78755
(512) 346-2353



John Noell
John Noell, R.P.L.S. #2433
Date: 8-26-90